

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jennifer Smith	Team: Squad #7	CCRB Case #: 201710407	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/06/2017 , Thursday, 12/07/2017 12:00 PM, Thursday, 01/04/2018	Location of Incident: 71st Precinct stationhouse	Precinct: 71	18 Mo. SOL 6/7/2019	EO SOL 6/7/2019	
Date/Time CV Reported Fri, 12/08/2017 9:41 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/18/2017 9:17 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Rory Kim	2804	935115	071 PCT
2. POF Ericka Best	05534	948665	071 PCT
3. POF Tanisha Dorson	03481	941679	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Matthew Weinstein	19780	931410	071 PCT
2. POM Ervin Cecja	10645	955802	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Tanisha Dorson	Abuse: Police Officer Tanisha Dorson searched § 87(2)(b)'s recording device.	
B.POF Ericka Best	Abuse: Police Officer Ericka Best searched § 87(2)(b)'s recording device.	
C.POF Tanisha Dorson	Abuse: Police Officer Tanisha Dorson refused to provide her name to § 87(2)(b)	
D.POF Tanisha Dorson	Abuse: Police Officer Tanisha Dorson refused to provide her shield number to § 87(2)(b)	
E.POF Tanisha Dorson	Discourtesy: Police Officer Tanisha Dorson spoke discourteously to § 87(2)(b)	
F.SGT Rory Kim	Force: Sergeant Rory Kim used physical force against § 87(2)(b)	

### Case Summary

On December 8, 2017, § 87(2)(b) called the IAB Command Center and filed this complaint, which was received at the CCRB on December 18, 2017. § 87(2)(b)'s initial complaint was split into three cases that were investigated separately.

On December 7, 2017, at approximately 12:00 p.m., Police Officer Tanisha Dorson and Police Officer Ericka Best, Domestic Violence Officers of the 71<sup>st</sup> Precinct, allegedly searched § 87(2)(b)'s cellphone at the 71<sup>st</sup> Precinct stationhouse (**Allegation A: Abuse of Authority**, § 87(2)(g) **Allegation B: Abuse of Authority**, § 87(2)(g) PO Dorson allegedly refused to provide her name and her shield number to § 87(2)(b) (**Allegations C and D: Abuse of Authority**, § 87(2)(g) PO Dorson allegedly spoke discourteously to § 87(2)(b) (**Allegation E: Discourtesy**, § 87(2)(g) Sergeant Rory Kim of that same command allegedly shoved § 87(2)(b) (**Allegation F: Force**, § 87(2)(g)

Video evidence exists in this case, but it does not capture the allegations.

§ 87(2)(g)

**Allegation A – Abuse of Authority: Police Officer Tanisha Dorson searched § 87(2)(b)'s recording device.**

**Allegation B – Abuse of Authority: Police Officer Ericka Best searched § 87(2)(b)'s recording device.**

It is undisputed that PO Dorson spoke to § 87(2)(b) using § 87(2)(b)'s personal cellphone.

§ 87(2)(b) (01 Board Review) said she went to the 71<sup>st</sup> Precinct stationhouse to speak to PO Best, who was assigned to investigate § 87(2)(b)'s criminal complaint against her boyfriend, § 87(2)(b) that she made two days prior, when § 87(2)(b) broke her cellphone phone and television during an argument. At the stationhouse, § 87(2)(b) spoke to PO Best and PO Best's partner, PO Dorson, in the waiting area of the stationhouse. Sgt. Kim was seated at the main desk nearby. § 87(2)(b) asked PO Best and PO Dorson to void her complaint against § 87(2)(b) PO Best and PO Dorson said that cancelling that complaint was impossible. PO Dorson told § 87(2)(b) to call § 87(2)(b) and explain that the charges against him would be minor, and that he could come to the stationhouse to turn himself in. PO Best sat next to § 87(2)(b) while § 87(2)(b) dialed her mother or father's phone number to reach § 87(2)(b) as § 87(2)(b) did not have a phone at the time. When § 87(2)(b) reached § 87(2)(b) he did not understand what § 87(2)(b) was explaining to him, so § 87(2)(b) asked PO Dorson to speak to § 87(2)(b) for her. § 87(2)(b) handed her phone to PO Dorson, and PO Dorson spoke to § 87(2)(b) inside the vestibule at the entrance of the stationhouse, approximately three feet away from where § 87(2)(b) and PO Best were sitting in the waiting area. From there, § 87(2)(b) was unable to see PO Dorson, but she could hear what both PO Dorson and § 87(2)(b) were saying to one another because they were both speaking loudly, although the phone was never on speaker. PO Dorson spoke to § 87(2)(b) for approximately five minutes until § 87(2)(b) heard PO Dorson and § 87(2)(b) yelling at one another. At that point, § 87(2)(b) asked PO Best to get her phone from PO Dorson, which PO Best did, and the phone call was already disengaged by § 87(2)(b) After § 87(2)(b) left the stationhouse and returned home, § 87(2)(b) showed § 87(2)(b) text messages that PO Best sent to the phone number that § 87(2)(b) had reached § 87(2)(b) on when she called from the stationhouse (02 Board Review). § 87(2)(b) believed that either PO Best or PO Dorson searched her phone while she was speaking to § 87(2)(b) though she did not witness either officer searching her cellphone.



Dorson said, “He’s being an asshole” (See analysis of Allegation D below). § 87(2)(b) asked PO Dorson again to provide her name and shield number. PO Dorson told § 87(2)(b) that she could obtain her information after § 87(2)(b) was arrested. At that time, PO Dorson walked out of the waiting area, away from where § 87(2)(b) could see her. PO Best and Sgt. Kim, who witnessed the interaction, did not provide § 87(2)(b) with PO Dorson’s information to § 87(2)(b) though she did not ask them for it. § 87(2)(b) left the stationhouse. When § 87(2)(b) went to the stationhouse the following day, she observed PO Best and PO Dorson again in the stationhouse. PO Dorson refused to provide her name and shield number again. PO Cecja, who was at the main desk and observed PO Dorson refusing to provide her name and shield to § 87(2)(b) gave § 87(2)(b) piece of paper (12 Board Review) with PO Best’s name, Sgt. Kim’s name, and PO Gollop-Jacobs name, another Domestic Violence Officer of that command. § 87(2)(b) captured PO Cecja giving her that piece of paper on video, but it does not capture PO Dorson refusing to provide her name (13 Board Review). During § 87(2)(b)’s CCRB interview, § 87(2)(b) referred to PO Dorson as PO Gollop-Jacobs.

PO Dorson said that § 87(2)(b) asked for her name and shield number prior to her speaking to § 87(2)(b) and after speaking to § 87(2)(b) PO Dorson verbally stated her name and shield number to § 87(2)(b) during those two times. PO Dorson acknowledged seeing § 87(2)(b) in the stationhouse after the incident where she spoke to § 87(2)(b) on the phone. At that time, § 87(2)(b) asked PO Dorson for her name and shield number again, and PO Dorson verbally stated her name and shield number to § 87(2)(b) despite already having done so twice. § 87(2)(b) accused PO Dorson of providing a fake name and shield number. PO Dorson said § 87(2)(b) probably confused PO Dorson with other officers as she had spoken to many officers in the stationhouse, and officers often look the same in their uniforms. PO Dorson was unaware of the piece of paper being given to § 87(2)(b) prior to being shown a photo of that paper during her CCRB interview. After seeing that piece of paper, PO Dorson was still unaware of why it was given to § 87(2)(b).

§ 87(2)(g) PO Best did not recall if PO Dorson refused to provide her name and shield number to § 87(2)(b). PO Best only remembered § 87(2)(b) asking her for her name and shield number, which PO Best provided to her multiple times during their various communications regarding § 87(2)(b)’s criminal case against § 87(2)(b).

Sgt. Kim acknowledged witnessing § 87(2)(b) interact with Domestic Violence Officers of the 71<sup>st</sup> Precinct, but he denied witnessing any specific interactions between PO Dorson, PO Best, and § 87(2)(b). Sgt. Kim denied witnessing PO Dorson refuse to provide her name and shield to § 87(2)(b) though he acknowledged being aware of § 87(2)(b) being in the stationhouse asking for officers’ names and being given a piece of paper with officers’ names on it. Sgt. Kim did not acknowledge being involved in providing § 87(2)(b) with that piece of paper.

PO Cecja (07 Board Review) acknowledged seeing § 87(2)(b) in the stationhouse on multiple occasions, but he never witnessed any interactions between she and PO Dorson, or any officer. At some point when § 87(2)(b) was in the stationhouse, PO Cecja walked into the stationhouse after ending his tour on patrol, and Sgt. Kim asked him to write PO Best’s name, Sgt. Kim’s name, and PO Gollop-Jacobs’ name on a piece of paper to give to § 87(2)(b) which he did, though he never witnessed § 87(2)(b) asking for PO Dorson’s name and shield numbers, or any other officers information.

PO Weinstein (08 Board Review), the telephone switchboard operator during this incident, denied having any familiarity with § 87(2)(b) and this incident. PO Weinstein never witnessed any interactions between § 87(2)(b) and any officers of the 71<sup>st</sup> Precinct.

§ 87(2)(g)

**Allegation E – Discourtesy: Police Officer Tanisha Dorson spoke discourteously to § 87(2)(b)**

§ 87(2)(b) said that after PO Dorson spoke to § 87(2)(b) over the phone, and after she asked PO Dorson for her name and shield number, PO Dorson told § 87(2)(b) “He’s being an asshole,” in reference to § 87(2)(b).

PO Dorson denied saying, “He’s being an asshole.” PO Dorson did not use any profanity toward § 87(2)(b). PO Dorson said that after she got off the phone with § 87(2)(b), § 87(2)(b) asked how § 87(2)(b)’s demeanor was. PO Dorson told § 87(2)(b) that § 87(2)(b) was upset and angry.

PO Best and Sgt. Kim denied hearing PO Dorson tell § 87(2)(b) “He’s being an asshole.” PO Cecja and PO Weinstein were not alleged to have witnessed this allegation, and they both denied witnessing any specific interactions between § 87(2)(b) and PO Dorson.

It is undisputed that PO Dorson and § 87(2)(b) had a conversation about § 87(2)(b)’s demeanor on the phone. § 87(2)(g)

**Allegation F – Force: Sergeant Rory Kim used physical force against § 87(2)(b)**

When § 87(2)(b) returned home from the stationhouse after PO Dorson’s phone conversation with § 87(2)(b), § 87(2)(b) learned from § 87(2)(b) that PO Best sent text messages to § 87(2)(b) on the phone number that § 87(2)(b) reached him on at the stationhouse. After that, § 87(2)(b) immediately returned to the stationhouse, which was directly across the street from her apartment. This time, § 87(2)(b) spoke to Sgt. Kim, who was still sitting at the main desk. § 87(2)(b) described PO Dorson to Sgt. Kim and asked him to provide the name of the officer that she described. Sgt. Kim told § 87(2)(b) that he did not know which officer § 87(2)(b) was referencing. § 87(2)(b) told Sgt. Kim that she would wait in the stationhouse until she obtained that information. Sgt. Kim told § 87(2)(b) that she could not stand by the desk while she was waiting. § 87(2)(b) replied, “I’m not yelling. I’m not screaming. I’m not putting my hands on anybody. So, I don’t see why I can’t stand here and ask for names of people that spoke to me, touched my property, and went through my phone. I don’t understand why that’s a problem.” Sgt. Kim said, “So you’re not going to leave?” Sgt. Kim, alone, stood up, walked around the desk, and shoved § 87(2)(b) with both of his hands on her waist, out of the small gate that separated the main desk from the waiting area. § 87(2)(b) lost her balance, but she never fell from Sgt. Kim

shoving her. § 87(2)(b) repeated to Sgt. Kim that she only wanted PO Dorson's name and shield number. Sgt. Kim told § 87(2)(b) again that he did not know who she spoke to. § 87(2)(b) left the stationhouse.

Sgt. Kim said that this specific incident occurred prior to § 87(2)(b) speaking to PO Best and PO Dorson. He said that when § 87(2)(b) approached him at the desk, she asked to speak to a Domestic Violence Officer about voiding her complaint. Sgt. Kim told her that no domestic violence officers were available, but that her complaint could not be voided regardless. § 87(2)(b) yelled profanities. Sgt. Kim provided § 87(2)(b) with the stationhouse phone number, and told her that she could call ahead of time to see if a domestic violence officer was available. § 87(2)(b) yelled profanities, again. Sgt. Kim ordered § 87(2)(b) to leave the stationhouse. § 87(2)(b) said she would not leave. Sgt. Kim ordered § 87(2)(b) additional times to leave the stationhouse, though he did not recall how many times he ordered her to leave. Sgt. Kim approached § 87(2)(b) with an officer who he believed to be PO Weinstein, but was not completely certain. Sgt. Kim and PO Weinstein each grabbed one of § 87(2)(b)'s arms and walked her out of the stationhouse. § 87(2)(b) did not complain of being injured.

PO Weinstein and PO Cecja denied being involved in this incident and said they did not witness the interaction. PO Best and PO Dorson were not alleged to have witnessed this incident, and they both denied witnessing any interaction between Sgt. Kim and § 87(2)(b).

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to three CCRB complaints and has been named as a victim in 11 allegations (09 Board Review).
  - § 87(2)(b)
- PO Dorson has been a member-of-service for 12 years and has been subject in two complaints and three allegations, none of which were substantiated. § 87(2)(g)
- PO Best has been a member-of-service for eight years and has been subject in six CCRB complaints and 14 allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Kim has been a member-of-service for 14 years and has been named as a subject in three complaints and four allegations, none of which were substantiated. § 87(2)(g)

#### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.

- On November 26, 2018, a Notice of Claim request was sent to the NYC Comptroller's Office and it remains pending (10 Board Review). It will be added to the casefile upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]

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Squad No.: 7

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date